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15 Attorneys for Plaintiff

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA

18  
19 PRISON LEGAL NEWS, a project of the  
20 HUMAN RIGHTS DEFENSE CENTER,

21 Plaintiff,

22 v.

23 COUNTY OF VENTURA; GEOFF DEAN,  
24 GARY PENTIS, LINDA OKSNER, and  
RICK BARRIOS, in their individual and  
official capacities, DOES 1-10, in their  
individual and official capacities,

25 Defendants.

26 Case No. cv-14-0773-GHK (EX)

27 **JOINT REPORT OF PARTIES'**  
**PLANNING MEETING**

28 Judge: Hon. George H. King

Rule 26 Conference: June 2, 2014

1           **1. Rule 26(f) Meeting**

2           Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on May  
 3 1, 2014. The following persons participated in the meeting:

4           • Ernest Galvan from Rosen, Bien Galvan & Grunfeld LLP, Brian Vogel from the  
 5 Law Offices of Brian A. Vogel, PC, and Lance Weber from the Human Rights  
 6 Defense Center, for Plaintiff PRISON LEGAL NEWS, a project of the HUMAN  
 7 RIGHTS DEFENSE CENTER (“Plaintiff” or “PLN”).  
 8           • Jeffrey Held from Wisotsky, Procter & Shyer for Defendants COUNTY OF  
 9 VENTURA, GEOFF DEAN, GARY PENTIS, LINDA OKSNER, RICK  
 10 BARRIOS, and DOES 1-20 (collectively, “Defendants”).

11          The parties hereby submit the following joint status report and discovery plan  
 12 pursuant to Federal Rule of Civil Procedure 26(f)(2). Both parties assisted in  
 13 developing the Case Management Report.

14          **2. Concise Statement Of The Factual And Legal Basis Of The Claims And**  
 15 **Defenses**

16          Plaintiff is a publisher and book distributor, Prison Legal News, a project of  
 17 the non-profit organization Human Rights Defense Center. Plaintiff brings this  
 18 action under the First and Fourteenth Amendments to the United States Constitution.  
 19 Defendants are the County of Ventura, Geoff Dean, the Sheriff of Ventura County,  
 20 Gary Pentis, the Assistant Sheriff, Linda Oksner, the Commander of the Todd Road  
 21 Jail, and Rick Barrios, Commander of the Pre-Trial Detention Facility. Plaintiff  
 22 brought this action after learning that staff at the jails of Ventura County were  
 23 refusing to deliver its publications and other written materials to jail inmates.

24          Plaintiff alleges that the following practices of the Ventura County Jails  
 25 violate the First and Fourteenth Amendments:

26           (1) Rejection of items mailed by Plaintiff on the grounds that postcards are  
 27 the only acceptable form of non-privileged incoming mail (hereinafter referred to as  
 28 “postcard only policy”);

(2) Rejection of issues of the Plaintiff's monthly publication, *Prison Legal News*, on the grounds that it contains suggestive advertisements;

(3) Rejection of items mailed by Plaintiff on the grounds that that Xeroxed materials were not allowed, and that inmates cannot order things from jail;

(4) The Jail's failure to provide notice and an opportunity to appeal when materials sent by Plaintiff were rejected.

Plaintiff alleges that the above-listed acts and omissions were undertaken as the official policy and/or established custom and practice of the County of Ventura such that the County is directly liable for the resulting Constitutional violations.

10 Plaintiff alleges that the above-listed acts and omissions were undertaken with  
11 conscious disregard for Constitutional rights, exposing the individual defendants to  
12 liability for punitive damages. Plaintiff alleges that permanent injunctive relief is  
13 necessary in order to prevent continuing and imminent violations of its First  
14 Amendment and Fourteenth Amendment rights.

15 Defendants contend that acts and omissions (2)-(4) above were due to  
16 mistakes made by staff that have been corrected. Defendants contend that the  
17 postcard-only policy, (1), above, is a permissible limitation on First Amendment  
18 rights because it is reasonably related to the jail's legitimate security and  
19 administrative burden reduction interests. Defendants contend that it is therefore  
20 entitled to judgment as to item (1) above, and that no injunctive relief is necessary as  
21 to items (2)-(4) above.

### 3. Jurisdictional Basis for the Case

24 The lawsuit is within the Court's federal question jurisdiction. 42 U.S.C. §  
25 1983; 28 U.S.C. § 1333(a)(3).

26       Venue is proper in the Central District of California under 28 U.S.C. §  
27 1391(b) because the Defendants reside in and a substantial part of the events  
28 complained of occurred in this District.

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2       **4.     Initial Disclosures**

3       The parties will serve initial disclosures by June 16, 2014.

4       **5.     Subjects on Which Discovery May Be Needed**

5           **A.     Plaintiff**

6       Plaintiff will serve discovery on each of the Defendants in the form of  
 7 interrogatories and requests for production of documents regarding the basis for  
 8 Defendants' affirmative defenses and denial of liability in their answer to Plaintiff's  
 9 Complaint, including the allegations that Defendants' actions and policies in  
 10 censoring Plaintiff's publication and correspondence were related to legitimate  
 11 penological interests. Plaintiff also intends to take the depositions of various  
 12 Defendants and others, including individuals who handled or processed mail and  
 13 any Defendants who decided whether or not to deliver mail addressed to persons  
 14 detained at correctional facilities in Ventura County. Plaintiff may take one or more  
 15 "persons most knowledgeable" depositions under Federal Rule of Civil Procedure  
 16 30(b)(6), and may serve requests for admissions.

17           **B.     Defendants**

18       Defendants will propound written discovery to ascertain the plaintiff's special  
 19 (economic) damages and to quantify the mailed items said to have been rejected by  
 20 category, as well as subscription rates. Defendants will also depose plaintiff's  
 21 management hierarchy to determine the same information.

22       **6.     Disclosure or Discovery of Electronically Stored Information**

23       Disclosure or discovery of electronically stored information should be  
 24 handled as follows: electronic information should be produced on portable media  
 25 such as CD-ROM, DVD, or thumb drive in native format and with metadata intact  
 26 with load files on Concordance format or the equivalent.

27       **7.     Changes to Limitations on Discovery**

28       The parties do not anticipate changes to the limitations on discovery imposed

1 by the Federal Rules of Civil Procedure.

2       **8.      Claims of Privilege or Work Product**

3       The parties are aware of no outstanding issues relating to claims of privilege  
4 or work product, and do not anticipate any.

5       **9.      Proposed Deadlines**

6       The parties propose the following dates for future proceedings in this matter:

7       Expert Disclosures and Reports:	Oct. 17, 2014
8       Rebuttal Expert Disclosures and Reports:	Nov. 7, 2014
9       Close of Expert and Fact Discovery:	Nov. 21, 2014
10      Last Day for Filing Dispositive Motions:	Jan. 16, 2015
11      Last Day to Hear Dispositive Motions:	Feb. 17, 2015
12      Proposed Date for Pre-Trial Conference	Mar. 2, 2015
13      Trial Date:	Mar. 16, 2015

14       **10.     Reference to a Magistrate Judge for Trial**

15       The parties do not consent to trial before a Magistrate Judge.

16       **11.     Jury Trial**

17       Both parties have requested a jury trial. *See* Complaint, filed January 31,  
18 2014 (Docket No. 1), page 17; Answer on Behalf of Defendants, filed March 31,  
19 2014 (Docket No. 25), page 13.

20       **12.     Estimated Length of Trial**

21       Plaintiff estimates that it would require three court days to present its case-in  
22 chief. Defendants will require a commensurate length of time.

23       **13.     Prospects for Settlement**

24       The parties have discussed a partial settlement of all issues other than those  
25 arising from the post-card policy. No settlement, even a partial one, is likely until  
26 after the preliminary injunction motion is decided. The parties have discussed the  
27 Local Rule 16-15.4 ADR options and would prefer Option 1, with the District Judge  
28 presiding at a settlement conference.

**14. Names of Attorneys Who Will Try The Case**

**A. Plaintiff**

Ernest Galvan, Blake Thompson, Rosen Bien Galvan & Grunfeld, LLP

Brian Vogel, Brian A. Vogel, The Law Offices of Brian A. Vogel, PC

Lance Weber, Human Rights Defense Center

## B. Defendants

Jeffrey Held, Wisotsky, Procter, and Shyer

James Procter, Wisotsky, Procter, and Shyer

DATED: May 19, 2014

Respectfully submitted,

## WISOTSKY, PROCTER & SHYER

By: /s/ *Jeffrey Held*

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Jeffrey Held

## Attorneys for Defendants

DATED: May 19, 2014

Respectfully submitted,

## ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ *Ernest Galvan*

Ernest Galvan

Attorneys for Plaintiff